

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of December 1, 2015 Meeting

Present: David DeAngelis-Chair, John Bart, Lori Lyle, Stephen Kearns, John Barr, Mark Enander, Town Solicitor

Excused: Robert Oster

Minutes

Motion made by Member Kearns to accept the November 2015 Minutes as presented. Motion seconded by Member Enander. Motion carried by all present.

Correspondence

None

Applications

Lidia & Robert Oster, 129 Chapel Street, Lincoln, RI – Application for Dimensional Variance seeking side relief to rebuild an existing garage.

AP 3, Lot 47 Zoned: RG 7

Represented by: Sarah Oster, Esq.

This application represents a request for a Dimensional Variance for a

rebuild of a detached garage. The applicant proposes to rebuild a detached garage that was damaged by snow last winter. The applicant received a permit for the repair but went beyond the scope of the permit requiring zoning relief. The garage proposes to be 2'-6" from the side property line which 22'-6" is required. Therefore the applicant would need 20'-0" of side relief for the detached garage.

Chairman read into the record standards that need to be met for a Dimensional Variance.

Attorney Oster stated the applicants wish to rebuild a detached garage which was damaged by a snowstorm last winter and they need twenty feet side yard relief. The roof collapsed and they will rebuild in the same foot print. The original garage was built around 192 and predates current zoning. Concrete floor will remain in place.

Witness

Sam Konkin, Contractor

He is registered with the State of Rhode Island. They tried to save 25% of the building but the walls need to sit on the concrete slab. Six foot posts were running into the ground but are deteriorated and unsafe. The proposed garage is slightly smaller than the original and will be esthetically the same height with a different roof pitch.

Chairman stated they application was absent a site plan and asked how he knew applicant only needed 2.6' side relief. Contractor

replied there is a marker at the street and he assumed that was the property line.

Chairman read into the record Planning Board/TRC recommendation: Members of the Technical Review Committee visited the site and reviewed the submitted plans and application for a Dimensional Variance seeking side setback relief to rebuild an existing garage. The Technical Review Committee recommends approval of this application according to the submitted plans and application. The Technical Review Committee feels that the applicant is rebuilding an existing structure that was damaged due to weather. The application shows that the garage will be rebuilt on the existing foundation. The Technical Review committee feels that the application represents the least relief needed. The TRC feels that granting the side dimensional variance will not impair the intent or purpose of the Zoning Ordinance nor the Comprehensive Plan.

No opposition present.

Motion made by Member Lyle to approve the Dimensional Variance for 20.0' side relief. She further stated:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.
- The hardship is not the result of any prior action of the applicant

and does not result primarily from the desire of the applicant to realize greater financial gain.

- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.
- The relief requested is the least relief necessary.
- The hardship amounts to more than a mere inconvenience.

Motion seconded by Chairman. Motion carried with a 5-0 vote.

**Carl Benevides, 85 Industrial Circle, 15 Moshassuck Road, Lincoln, RI
– Application for Special Use Permit to allow a mixture of uses including live/work units for a mill conversion project for property located at 85 Industrial Circle, 15 Moshassuck Road, Lincoln, RI.**

AP 2, Lots 88 and 92 Zoned: MG 0.5

Represented by: Brian Laplante

This application was continued from the October agenda and was originally placed on the February 2015 agenda. Mr. Laplante is new to the application. Applicant has spoken with the Water Department and has submitted plans to the Narragansett Bay Commission for sewer

and expects to receive approval. He will be ready for presentation at the December meeting and is requesting a continuance to that agenda.

Motion made by Chairman to continue the application to the December agenda. Motion seconded by Member Enander. Motion carried by all present.

RJB Properties, Inc., 640 George Washington Highway, Lincoln, RI/Quality Drive LLC, 640 George Washington Highway, Lincoln, RI - Application for Special Use Permit for the installation of a utility scale solar array for property located on Quality Drive, Lincoln, RI.

AP 28, Lot 23 Zoned: ML 05

Represented by: Scott Lindgren Esquire

This application was continued from the November 3, 2015 for the applicant to receive master plan approval from the Planning Board. This application represents a request for a Special Use Permit to install a utility scale solar panel array. The applicant proposes to install a 1.4 MW ground mounted solar array on a commercial vacant lot. This use is authorized under section 260-19Z with a special use permit. There are several conditions the applicant would have to meet such as height limitations, setbacks and protection from unauthorized access. The applicant has/will address these conditions.

RJB Properties, Inc., 640 George Washington Highway, Lincoln, RI/Quality Drive LLC, 640 George Washington Highway, Lincoln, RI - Application for Dimensional Variance for front and side relief for the installation of a utility scale solar array for property located on Quality Drive, Lincoln, RI.

AP 28, Lot 23 Zoned: ML 05

Represented by: Scott Lindgren Esquire

This application was continued from the November 3, 2015 for the applicant to receive master plan approval from the Planning Board. This application represents a request for a Dimensional Variance to install a utility scale solar panel array. The applicant proposes to install a 1.4 MW ground mounted solar array on a commercial vacant lot. The array is proposed to be 21' from the front property line which 50' is required. Therefore the applicant would need 29' front relief on the array. The array is proposed to be 20' from the side property line which 40' is required. Therefore the applicant would need 20' side relief on the array

Attorney Desisto informed the Board that applicant received Planning Board Master Plan approval and recommended that both applications be heard as one.

Chairman read into the record standards that need to be met for a Special Use Permit and Dimensional Variance.

Attorney Lindgren informed the Board applicant has received Master Plan approval. This is undeveloped property consisting of 12 acres. Property is five acres with wetlands are located to the north. Only five acres will be developed with the rest being wetlands regulated by DEM and they need a DEM permit. This is a five acre project and is an allowed use in a manufacturing area. The highest point will be twelve feet to the top of the panels and will be accessed from the north. National Grid has pole installations on the right of way.

Witness

Ralph Palumbo, Partner

There is a delivery system into the grid. Three phases is adequate to run 1.4 megawatts. Right of access gate will be either removed or locked. Area will be locked with a six foot high fence. There are no carbon credits for this property.

Witness

Ralph Branca, Electrical Engineer

Site will be padlocked for transformers with 1200 ADA on site. There are three poles on DuCarl Drive. Mr. Palumbo took what was usable to determine number of panels on site. Panels will have 30 degree angle. Panels need to face south and will be strategically positioned. Applicant exhausted all means to place the project. Upkeep is minimal.

Chairman read into the record Planning Board/Technical Review Committee recommendation.

Members of the technical Review Committee visited the site and reviewed the submitted plans and application seeking a Special Use Permit for the installation of a utility scale solar array for property located on Quality Drive, Lincoln RI. The Technical Review Committee recommends approval of this application according to the submitted plans and application. The undeveloped parcel of land is located within an existing industrial park. However, the land has several development constraints that limit its ability to accommodate an industrial use. The proposed utility scale solar array is a good use for this particular parcel of land.

According to Section 260-23: Business and Manufacturing Districts, all Manufacture Limited (ML) and Manufacture General (MG) uses shall be at least 100 feet from Residential or Commercial Recreational Zoning Districts. The proposed project exceeds this requirement. There is an existing mature vegetated buffer approximately 388 feet between the proposed solar farm and the condominium complex to the east and approximately 50 feet between the proposed project and the Longmeadow neighborhood to the south.

The Technical Review Committee feels that granting a special use permit will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Dimensional Variance

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a dimensional variance for front and side relief for the installation of a utility solar array for property located on Quality Drive, Lincoln, RI. The Technical Review Committee recommends approval of this application according to the submitted plans and application. The property contains a total of 12.03 acres of undeveloped land. However, the property is divided by a significant wetlands complex. The property is bounded by a food manufacturing facility on the north, a condominium complex to the east, a warehouse facility to the west, and wooded area to the south. The proposed dimensional variance will enable the solar array to be placed closer to the industrial uses. The Technical Review Committee feels that the applicant presents the least relief needed. The TRC feels that granting the side yard dimensional variance will not impair the intent or purpose of the Zoning Ordinance nor the Comprehensive Plan.

No opposition present.

Motion made by Member Bart to approve the Dimensional Variance for 20' side relief on the array and 29' front relief on the array stating:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a**

physical or economic disability of the applicant.

- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**
- The relief requested is the least relief necessary.**
- The hardship amounts to more than a mere inconvenience.**

Motion seconded by Member Barr and carried by all present with a 5-0 vote.

Motion made by Member Bart to approve the Special Use Permit stating:

- That the Special Use is specifically authorized under this Ordinance**
- That the Special Use meets all the criteria set forth in this Ordinance authorizing such special use**
- That the granting of the Special Use will not alter the general character of the surrounding area**
- That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan**

Motion seconded by Member Barr and carried by all present with a 5-0 vote.

**Carl Benevides, 85 Industrial Circle, 15 Moshassuck Road, Lincoln, RI
– Application for Special Use Permit to allow a mixture of uses including live/work units for a mill conversion project for property located at 85 Industrial Circle, 15 Moshassuck Road, Lincoln, RI.**

AP 2, Lots 88 and 92 Zoned: MG 0.5

Represented by: Brian Laplante, Esq.

This application was introduced to the Board on February 3, 2015. The applicant has received multiple continuances for lack of complete information. The applicant has provided the information and has received a recommendation from the Planning Board. The applicant is requesting a Special Use Permit for a mill conversion project. This is allowed under section 260-49. The applicant is also requesting several other variances from the code such as parking requirements. The applicant proposes total of (16) live/work units with (4) of these units deeded as affordable units. All other existing uses would remain and any new uses would have to conform to the MG-0.5 zone. No new signage is being proposed. The applicant is requesting the following variances as part of this SUP:

- 1. Landscape: 260-49(F)(1)(c): Due to financial constraints of this large redevelopment project the applicant will not be providing any new landscaping at this time.**
- 2. Parking Screening: 260-49(I)(5): Due to the financial constraints of this large redevelopment project the applicant will not be providing any parking screening from commercial vehicles at this time.**
- 3. Parking Surface Requirements: 260-49(I)(6): Due to financial**

constraints of this large redevelopment project the applicant will not be able to upgrade the surfaces of the parking lots to meet all Town standards at this time.

4. Off Street Parking: 260-31(B)(2): Due to the existing character of the site, the 12 parking spaces along Moshassuck Road and the 14 spaces along Industrial Circle will require a variance for off street parking.

5. Lighting: 260-49(I)(13): Due to financial constraints of this large redevelopment project the applicant will not be providing any decorative lighting at this time.

6. Parking Space Size: 260-31(B)(1): Due to the existing character of the site, the applicant will seek a variance to utilize 9'x18' parking spaces.

7. Parking Lot Conditions: 260-31(B)(4): Due to the existing character of the site, the applicant will be seeking a variance to maintain the existing gravel parking lot. A system of painted railroad ties and rope dividers will be used to delineate parking spaces and aisles.

The Planning Board has recommended some conditions as part of their recommendation as stated in the TRC report.

Chairman read into the record standards that need to be met for a Special Use Permit. Member Lyle recused herself due to the fact that her spouse has business relationship with the applicant. Sitting on this application are Members DeAngelis, Bart, Enander Kearns and Barr.

Applicant wishes to rehabilitate the interior and exterior of the site. They also have arrangement with DEM to improve the dams at the location. There will be 8 work/live units at the mill and 2 at the Providence Casket site for a total of 10 units. 25% of the unit (3 total) needs to be affordable housing and will be recorded in the land evidence records. Russell Hervieux Zoning Official stated the TRC mentions 16 units. Attorney for applicant stated the floor plans show 8/2 and Al Ranaldi, Town Planner know it is 8/2 and not 16. Chairman stated the Board does not have a copy of the 10/21/15 plans and are working off old plans showing 16. Attorney submitted into the record as Exhibit #1 floor plans showing 8/2. Also submitted a copy of development timelines as Exhibit #2.

Applicant has NBC has a sewer permit for the project. Water Commission has prepared an agreement and ready for signature. Technical Review Committee (TRC) has approved the project. Town Planner has no other issues with the project.

Chairman said in a manufacturing use work/live units are not permitted and that is the reason applicant is before this Board. Attorney Desisto replied to get approval for proposed uses notice would have needed to be advertised and mailed to abutters specifying uses. The public is not aware of the uses and needs to be advertised for public notice. Attorney Desisto stated he counted 87 different uses and some type of notice needs to be advertised.. The

Board received the list of uses the day before the meeting. The list of uses submitted to the TRC showed only a few uses. Member Bart stated that Attorney Desisto says the application needs to be advertised it should be. Attorney Desisto stated the application should be continued to the next agenda so members can get a corrected application and list of uses. It also needs to be readvertised and failure to do so could result in a violation. Applicant needs to return with an updated list of uses and an amended application. The Board would also like to see landscaping and parking plans. Zoning ordinance has specific guidelines for parking and lighting.

Chairman stated he would like specifics as there are too many variables. Will give applicant a detailed list of what is needed for the January 2016 meeting and that no more continuances on this application will be granted. Applicant asked if the Board could give partial approval on the application and Chairman replied that was not possible. Applicant asked if the Board could have a special meeting on this application as he has tenants waiting to move in. Chairman stated he would be willing to hold a special meeting in December if applicant can provide what the Board is asking for. The Board could have a special meeting on December 17th at 7:00p, if applicant can provide the documentation no later than December 9th. What the Chairman/Board needs applicant to provide is:

- Copy of updated floor plans showing the 8/2 units.**
- Detailed timelines for items under Section 2609 referencing both**

sites

- **Why the Board should grant timeline leeway**
- **List of requested uses and what is already there**
- **Updated site plan for the 8/2 units**
- **DEM approval, etc.**

Motion made by Chairman to hold a special meeting On December 17, 2015 at 7:00pm. Motion seconded by Member Bart. Motion carried with a 5-0 vote.

Motion made by Chairman to adjourn the meeting. Motion seconded by Member Enander. Motion carried by all present.

**Respectfully submitted,
Ghislaine D. Therien
Recording Secretary**